

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201902810	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 03/21/2019 1:41 PM	Location of Incident: § 87(2)(b)	Precinct: 113	18 Mo. SOL 9/21/2020	EO SOL 5/8/2021	
Date/Time CV Reported Tue, 03/26/2019 3:34 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/01/2019 11:41 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nurul Siddiqui	17508	946250	113 PCT
2. POM Michael Mendola	15715	960935	113 PCT
3. SGT Diego Dejesus	4128	943134	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sean Coffey	18725	928093	113 PCT
2. POM Ali Hammutoglu	00281	938636	113 PCT
3. POM Scott Blackburn	10437	941432	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nurul Siddiqui	Abuse: Police Officer Nurul Siddiqui entered § 87(2)(b) in Queens.	§ 87(2)(g), § 87(4-b)
B.POM Nurul Siddiqui	Force: Police Officer Nurul Siddiqui used physical force against § 87(2)(b)	§ 87(2)(g), § 87(4-b)
C.SGT Diego Dejesus	Abuse: Sergeant Diego Dejesus searched § 87(2)(b) in Queens.	§ 87(2)(g), § 87(4-b)
D.SGT Diego Dejesus	Abuse: Sergeant Diego Dejesus failed to provide § 87(2)(b) with a business card.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)

Case Summary

On March 26, 2019, § 87(2)(b) filed this complaint with IAB by phone. It was received at the CCRB on April 1, 2019, under IAB original log number 2019-12173.

On March 21, 2019, at approximately 1:41 p.m., PO Nurul Siddiqui and PO Michael Mendola, both of the 113th Precinct, responded to § 87(2)(b)'s home, located at § 87(2)(b) in Queens on the report of a school counselor, identified by the investigation as § 87(2)(b) who had called 911 to request a wellness check on § 87(2)(b)'s daughter, § 87(2)(b). PO Siddiqui asked § 87(2)(b) where § 87(2)(b) was, and, when § 87(2)(b) refused to answer, PO Siddiqui took a step forward into her house (**Allegation A: Abuse of Authority – Entry of Premises**, § 87(2)(g)). PO Siddiqui then allegedly grabbed § 87(2)(b) by the neck of her t-shirt, pushed her back approximately six feet against a wall, then pushed her down to the ground (**Allegation B: Force – Physical Force**, § 87(2)(g)). Sgt. Diego Dejesus, PO Scott Blackburn, PO Ali Hammutoglu, and PO Sean Coffey, all of the 113th Precinct, responded as back up to the location. Sgt. Dejesus, PO Siddiqui, and PO Hammutoglu went upstairs and looked for § 87(2)(b) (**Allegation C: Abuse of Authority – Search of Premises**, § 87(2)(g)). Once the officers determined that § 87(2)(b) was not at the location, they all left. Sgt. Dejesus did not provide § 87(2)(b) with a business card (**Allegation D: Abuse of Authority – Failure to Provide RTKA Card**, § 87(2)(g)).

§ 87(2)(g), § 87(4-b)

No arrests or summonses resulted from this incident.

Body-worn camera footage from PO Siddiqui (**BR 02**), PO Mendola (**BR 03**), Sgt. Dejesus (**BR 04**), PO Hammutoglu (**BR 05**), PO Coffey (**BR 06**), and PO Blackburn (**BR 07**) captured the incident, the relevant portions of which are summarized below. There was no other video of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Nurul Siddiqui entered § 87(2)(b) in Queens.

It was undisputed that on March 21, 2019, at approximately 1:41 p.m., PO Siddiqui entered § 87(2)(b) in Queens.

§ 87(2)(g). She stated that she let § 87(2)(b) stay home from school, § 87(2)(b) in Queens, on March 19, 2019, and March 20, 2019, § 87(2)(b).

On March 20, 2019, § 87(2)(b) took § 87(2)(b) to the school to see if the nursing staff § 87(2)(b).

On March 21, 2019, § 87(2)(b) decided to let § 87(2)(b) stay home again. Later that afternoon, § 87(2)(b) went out, while § 87(2)(b) stayed home with her friend, § 87(2)(b). At approximately 1:41 p.m., § 87(2)(b) saw approximately eight NYPD officers and two EMTs standing on her porch. Before any of the officers knocked, § 87(2)(b) opened the door and stood within the threshold. The officers and EMTs remained on the porch.

PO Siddiqui told § 87(2)(b) that § 87(2)(b)'s school had called 911 because there had been an incident at school the day prior. PO Siddiqui asked § 87(2)(b) where § 87(2)(b) was. § 87(2)(b) told him, "I don't have to answer that." (In her initial statement to IAB (**BR 08**) and her CCRB phone statement (**BR 09**), § 87(2)(b) said that she told PO Siddiqui that § 87(2)(b).

was not at home.) PO Siddiqui then took a step forward toward § 87(2)(b) and entered the house.

§ 87(2)(b) refused to sign HIPAA release forms or unsealing orders. As such, the investigation was unable to identify the EMTs or obtain medical or school records for § 87(2)(b). § 87(2)(b) did not know § 87(2)(b)'s last name or have any contact information for her. Absent any further identifying information, the investigation was unable to obtain a statement from § 87(2)(b).

§ 87(2)(b) (BR 11), § 87(2)(b)'s school counselor, stated that she contacted 911 on March 21, 2019, and requested that a wellness check be performed for § 87(2)(b) at § 87(2)(b)'s home. § 87(2)(b) was concerned for § 87(2)(b)'s safety because § 87(2)(b) had not been at school the day prior and she had not been able to get in touch with § 87(2)(b) to ask about § 87(2)(b)'s health. § 87(2)(b) was unable to provide any further specifics about the incident or the concerns that led to her calling 911 because § 87(2)(b) had refused to sign a HIPAA release form.

PO Siddiqui (BR 12) stated that he received a radio-message requesting a wellness check for a § 87(2)(b), identified by the investigation as § 87(2)(b) who had been absent from school that day, had been unwell the day prior, and was possibly under the influence of drugs. PO Siddiqui did not know who from the school had called 911. Given the information in the radio-run, PO Siddiqui considered the situation to be an emergency and thought that it was necessary to locate § 87(2)(b) and assess her condition as soon as possible.

PO Siddiqui and PO Mendola arrived first at the location, knocked on the door, and spoke with § 87(2)(b). PO Siddiqui told § 87(2)(b) that he and PO Mendola were there to check on § 87(2)(b) because she was absent from school. § 87(2)(b) told PO Siddiqui that § 87(2)(b) was home sick with vomiting and diarrhea, but that they could not see her. Given this additional information from § 87(2)(b), PO Siddiqui believed that § 87(2)(b) was at the house and that her condition may have been serious because she could be dehydrated and in need of immediate medical attention. PO Siddiqui was also concerned because, after speaking with § 87(2)(b), he thought that § 87(2)(b) seemed paranoid because she kept repeating what PO Siddiqui said.

Two EMTs arrived at the location and approached the front porch where PO Siddiqui was standing. PO Siddiqui asked § 87(2)(b) where § 87(2)(b) was, and she told him that she was inside. PO Siddiqui told § 87(2)(b) that the EMTs were going to need to evaluate § 87(2)(b). PO Siddiqui then turned and asked the two EMTs if they needed to see § 87(2)(b) and they told PO Siddiqui that they did.

§ 87(2)(b) turned around and started to walk back into her house. PO Siddiqui followed her into the house because he did not want her to close the door, because the EMTs had told him that they needed to see § 87(2)(b) who § 87(2)(b) had said was inside, and he believed § 87(2)(b)'s condition to be serious based on the information in the initial radio-message, the additional information § 87(2)(b) had just provided, and his overall impression of the situation. PO Mendola and Sgt. Dejesus, who had just arrived at the location, followed PO Siddiqui into the house.

§ 87(2)(g)
PO Mendola could not recall the specifics of the initial radio message other than it involved a distressed child. EMS arrived while PO Siddiqui was speaking with § 87(2)(b) on the porch, and PO Mendola went to the ambulance to speak with them about the situation. While talking to EMS at the ambulance, one of the EMTs told PO Mendola that

According to People v. Rodriguez, 77 A.D.3d 280, 2010 (**BR 20**), officers are permitted to enter a premise without a warrant if they reasonably believe that there is an emergency and an immediate need for their assistance for the protection of life or property and a reasonable basis to associate the emergency with the area being entered.

§ 87(2)(g)

Allegation (B) Force: Police Officer Nurul Siddiqui used physical force against § 87(2)(b)

It was undisputed that PO Siddiqui came into physical contact with § 87(2)(b) § 87(2)(g).

§ 87(2)(b) (**BR 08, BR 09, and BR 10**) stated that as soon as PO Siddiqui entered her house, he grabbed her shirt at the neckline with both of his hands and pushed her back into the house approximately six feet into a wall behind her. § 87(2)(b) felt mild pressure on her sternum where PO Siddiqui was pushing her and pressure on her back where she was making contact with the wall. PO Siddiqui then quickly pushed § 87(2)(b) down to the ground. § 87(2)(b) could not recall her position on the ground. As soon as § 87(2)(b) was on the ground, PO Siddiqui ran upstairs and out of § 87(2)(b)'s sightline while the other officers and EMTs entered the house and stood around her.

PO Siddiqui (**BR 12**) stated that as soon as he was inside, § 87(2)(b) who was still holding the large glass mug, turned around to face him, started screaming, took a step toward him, and pushed his chest. PO Siddiqui grabbed both of § 87(2)(b)'s wrists with both of his hands because he did not want her to hit him with the glass mug. While he maintained a grip on § 87(2)(b)'s wrists, § 87(2)(b) walked backward toward the wall behind her. PO Siddiqui told § 87(2)(b) to put down the glass mug, and an officer, PO Siddiqui could not recall who, took the glass mug out of § 87(2)(b)'s hand. PO Siddiqui then let go of § 87(2)(b)'s wrists. PO Siddiqui denied pushing § 87(2)(b) up against the wall or down to the ground.

§ 87(2)(g)

§ 87(2)(b). When PO Mendola entered the house, he saw § 87(2)(b) push PO Siddiqui's shoulders, and PO Siddiqui push § 87(2)(b) away from him. There was broken glass on the floor, but PO Mendola did not know how the glass broke. PO Mendola did not ever see PO Siddiqui push § 87(2)(b) up against the wall or down to the ground.

Sgt. Dejesus (**BR 14**) confirmed that he did not witness the physical interaction between PO Siddiqui and § 87(2)(b).

In PO Siddiqui's body-worn camera footage (**BR 02**), beginning at 4:54 minutes, § 87(2)(b) raises her right arm toward PO Siddiqui, and PO Siddiqui extends his right arm forward and places it on § 87(2)(b)'s left upper arm. At 4:58 minutes, § 87(2)(b) takes a step back from PO Siddiqui, and PO Siddiqui holds onto § 87(2)(b)'s left upper arm while § 87(2)(b) who is still holding the large glass mug in her right hand, pulls her right side further away from PO Siddiqui. § 87(2)(b) turns around so that her back is facing PO Siddiqui, and then her body obscures the camera until 5:04 minutes, at which point PO Siddiqui's extended right arm obscures the bottom of the camera. PO Mendola and PO Hammutoglu are standing on the

opposite side of § 87(2)(b). At 5:10 minutes, PO Hammutoglu takes the large glass mug out of § 87(2)(b)'s hand, and PO Siddiqui then releases § 87(2)(b).

PO Mendola's body-worn camera (**BR 03**) captures this portion of the incident from a different angle between 5:00 minutes and 5:16 minutes. PO Hammutoglu's body-worn camera footage (**BR 05**) captures this portion of the incident from another angle between 1:21 minutes and 1:34 minutes.

§ 87(2)(g). PO Siddiqui noted that he was at the location to perform a wellness check and that he restrained § 87(2)(b)'s hands to protect himself and other members of service and to overcome resistance or aggression. § 87(2)(b) did not initially report any injuries, but she filed a complaint with IAB on March 26, 2019, in which she stated that she sustained bruising.

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Patrol Guide procedure 221-01 (**BR 21**) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody to prevent escape from custody.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Abuse of Authority: Sergeant Diego Dejesus searched § 87(2)(b) in Queens.

It was undisputed that Sgt. Dejesus, along with PO Siddiqui and PO Hammutoglu searched the upstairs area of § 87(2)(b)'s house to determine if § 87(2)(b) was present.

§ 87(2)(b) (**BR 08, BR 09, and BR 10**) stated she could hear PO Siddiqui walking around upstairs but she was not sure where he had been looking. When PO Siddiqui came back downstairs, § 87(2)(b) told PO Siddiqui that § 87(2)(b) was really with her father in Atlanta. The officers and EMTs then all left the location.

Sgt. Dejesus (**BR 14**) stated that he considered the situation to be an emergency because it was his understanding that whenever there is a call for a wellness check, it is necessary to see the person in question to determine their condition. When Sgt. Dejesus arrived, § 87(2)(b) told Sgt. Dejesus that § 87(2)(b) was not at home and that the officers had no right to be there. Although Sgt. Dejesus did not have any additional information about § 87(2)(b)'s condition, based on the nature of the initial call to 911, Sgt. Dejesus told § 87(2)(b) that the officers needed to search the house to see if § 87(2)(b) was present. Sgt. Dejesus then instructed PO Siddiqui and other officers that they needed to search the house. Sgt. Dejesus, PO Siddiqui, and other officers went upstairs, and, having determined that § 87(2)(b) was not there, the officers all left.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g). After PO Siddiqui released § 87(2)(b) he explained the situation

to Sgt. Dejesus, and he asked Sgt. Dejesus if he should look for § 87(2)(b). Sgt. Dejesus told him that he should. PO Siddiqui and other officers went upstairs to look for § 87(2)(b) but did not find her. PO Siddiqui went downstairs and told Sgt. Dejesus, who was speaking with § 87(2)(b), that § 87(2)(b) was not at home. Sgt. Dejesus then instructed everyone to leave.

§ 87(2)(g)

In PO Siddiqui's body-worn camera footage (BR 02), beginning at 5:23 minutes, PO Siddiqui explains the situation to Sgt. Dejesus and then asks § 87(2)(b) repeatedly where her daughter is. § 87(2)(b) tells PO Siddiqui that it is none of his business and refuses to tell the officers where § 87(2)(b) is. § 87(2)(b) confirms that § 87(2)(b) is vomiting and has diarrhea and tells the officers that she is "taking care of it." At 7:03 minutes, PO Siddiqui asks Sgt. Dejesus, "Should we go up and look?" and Sgt. Dejesus replies that he should. PO Siddiqui then goes upstairs followed by Sgt. Dejesus and PO Hammutoglu, and they look in the upstairs bedroom, look around, and then go back downstairs. None of the officers touch anything when they are upstairs.

§ 87(2)(g)

Patrol Guide procedure 216-01 (BR 19) states that uniformed members of service shall cooperate with ambulance/hospital personnel in every reasonable manner.

According to People v. Rodriguez, 77 A.D.3d 280, 2010 (BR 20), officers are permitted to enter a premise without a warrant if they reasonably believe that there is an emergency and an immediate need for their assistance for the protection of life or property and a reasonable basis to associate the emergency with the area being entered.

§ 87(2)(g)

Allegation (D) Abuse of Authority: Sergeant Diego Dejesus failed to provide § 87(2)(b) with a business card.

It was undisputed that Sgt. Dejesus did not provide § 87(2)(b) with a business card. § 87(2)(b) (BR 10) stated that the officers left without providing her with any documentation regarding the incident. She did not ask any of the officers for business cards.

Sgt. Dejesus (BR 14) stated that at the time of the incident he had business cards with him, but he forgot to provide one to § 87(2)(b). Sgt. Dejesus did not see any other officers provide § 87(2)(b) did not hear her ask anyone for a business card, and did not instruct any other officers to provide § 87(2)(b) with a business card. It was Sgt. Dejesus' understanding at the time that officers were required to provide business cards after searches of their place of residence.

PO Siddiqui (BR 13) stated that he could not recall if he had business cards with him at the time of the incident. PO Siddiqui did not recall observing any of the officers offer § 87(2)(b) a business card.

New York City Administrative Code § 14-174 (**BR 22**) states that officers are required to offer a business card to any person at the conclusion of law enforcement activity, including home searches.

According to Patrol Guide procedure 203-09 (**BR 27**), officers must offer pre-printed Right to Know Business Cards upon conclusion of law enforcement activities, except in cases when a summons is issued or an arrest is made, or exigent circumstances are present.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (**BR 24**).
- PO Siddiqui has been a member of service for 11 years and has been a subject in one complaint and one allegation, which was not substantiated. § 87(2)(g)
- Sgt. Dejesus has been a member of service for 12 years and has been a subject in one complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO Mendola had been a member of service for three years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of October 10, 2019, the New York City Officer of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (**BR 25**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 10

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Investigator: _____
Signature Print Title & Name Date

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Reviewer: _____
Signature Print Title & Name Date